

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VAN CLEEF & ARPELS, S.A., and  
VAN CLEEF & ARPELS, INC.,

Plaintiffs,

v.

HEIDI KLUM GMBH, and  
MOUAWAD USA, INC.,

Defendants.

07 Civ. 11476 (SAS)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated May 29, 2008, and all prior papers and proceedings had herein, the undersigned counsel for Defendant Heidi Klum GmbH will move this Court on June 24, 2008, or as soon thereafter as the parties may be heard, for an Order: (i) pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the Amended Complaint in its entirety; and (ii) granting Defendant such other and further relief as this Court deems just and proper.

Date: New York, New York  
May 29, 2008

ALSTON & BIRD LLP

By: 

Karl Geercken (KG 5897)  
90 Park Avenue  
New York, NY 10016  
Tel. (212) 210-9400  
Fax (212) 210-9444

*Attorneys for Defendant  
Heidi Klum GmbH*